IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Crl.Rev.Pet.No. 335 of 2002

CRL.A.402/1999 OF ADDL. SESSIONS COURT (ADHOC) FAST TRACK-II, THRISSUR,
CC.633/1995 OF JUDL. MAGISTRATE OF FIRST CLASS COURT, KUNNAMKULAM.

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REVISION PETITIONER/APPELLANT/ACCUSED:

SUNDARAN, AGED 33 YEARS,
S/O.KURUMVOOR VEETTIL SUBRAMANIAN,
KARIKKAD VILLAGE, PERUMBILAVU DESOM,
THRISSUR DISTRICT.

BY ADV. SRI.P.VIJAYA BHANU,
ADV. SMT.P.MAYA.

RESPONDENT/RESPONDENT/COMPLAINANT:

STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. C.K. SURESH.

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 14/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P. NO. 2416/2002 IN CRL.R.P. NO. 335/2002

DISMISSED

14/11/2007. **SD/- K.R.UDAYABHANU, JUDGE.**

//TRUE COPY//

prv.

K.R.UDAYABHANU, J

Crl.R.P.No.335 of 2002

Dated this the 14th day of November, 2007

O R D E R

The revision petitioner stands convicted for the offences under Sections 279 and 304(A) IPC and sentenced to undergo R.I. for a period of one year for the offence under Section 304(A) IPC and to pay a fine of Rs.1,000/- for the offence under Section 279 IPC and in default, to undergo simple imprisonment for one year.

2. The prosecution case is that on 14.6.1995 at about 9.30 a.m. the accused drove the lorry bearing registration No.KL-8-D-5929 through Vaduthala-Attupuram public road in a rash and negligent manner so as to endanger human life and hit on a boy who succumbed to the injuries.

3. Counsel for the revision petitioner has only sought four modification of the sentence pointing out that more than 12 years have elapsed since the date of the incident and the commencement of the proceedings and that so far the revision petitioner was facing the criminal proceedings. It is also

submitted that the entire family of the revision petitioner is depending on his earnings for their livelihood.

4. In the circumstances and considering the long delay, the sentence imposed for the offence under Section 304(A) IPC is modified to imprisonment till the rising of the court and to pay a compensation of Rs.25,000/- to the legal representatives of the deceased and in default, to undergo simple imprisonment for six months. He is also directed to pay a fine of Rs.1,000/- for the offence under Section 279 IPC and in default, to undergo simple imprisonment for one month. The revision petitioner is granted four months' time to pay the amount of compensation and fine amount. He shall appear before the Judicial First Class Magistrate Court, Kunnamkulam on 14.3.2008 to receive sentence.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl